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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,662	02/18/2004	Yukio Nakagawa	IS-US031017	8934
22919	7590	03/30/2006	EXAMINER	
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			PURVIS, SUE A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/779,662	Applicant(s) NAKAGAWA ET AL.	
	Examiner Sue A. Purvis	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (GB 2,060,542 A) in view of Gur et al. (US Patent No. 5,433,060).

Regarding claim 1, Hunter discloses a mounting system which places bags onto a display card. The card is held and advanced horizontally and the bags are mounted thereto and sealed onto the card by a mounting mechanism (15, 19). An obvious alternative to placing the bags in Hunter on a card would be to place them on a carrier strip or tape, as shown in Gur. It would have been obvious to one having ordinary skill in the art at the time the invention was made that a carrier strip or tape can be used in place of the display card in Hunter, because both are known and used in the art and one ordinary skill would appreciate they are functionally equivalent alternative expedients as taught by Gur (col. 1, lines 1, lines 36-37).

Furthermore, with respect to the control unit, there is an understanding in the art, that a control unit be used to control not only the tape holding mechanism, but also the mounting system. Gur teaches to control the strip drive mechanism such that it cooperates with the sealing jaws to ensure package control and positioning. (Col. 5, lines 28-42.)

As to claim 2, it is appreciated that the carrier strip used in Hunter in view of Gur would be more flexible than bagged product.

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As to claim 3, the mounting mechanism includes a heater (19) which is configured with the pressure bar (15) to attach the bags to carrier strip in Hunter in view of Gur.

As to claims 4 and 18, the pressing member (15) is capable of being controlled such that the bags overlap as set forth in the claim. Overlapping the bags is known in the art as shown in Gur.

As to claim 5, both Hunter and Gur disclose using a carrier that is adhesive.

3. Claims 6-12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Gur as applied to claim 1 above, and further in view of Yamazaki (JP 54-070192 A).

As to claim 6, Hunter in view of Gur disclose the carrier to which the bag is applied be adhesive, but there is no discussion of how the adhesive is applied. Yamazaki discloses a device for creating a continuous book of samples where adhesive is applied to carrier substrate (10) just before application of the samples (6) to the substrate (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the adhesive to the web, as shown in Yamazaki, because Yamazaki shows that applying the adhesive just before the article is known in the art and an artisan would appreciate the advantages which come with applying the adhesive just before the package is applied thereto.

As to claims 7-12, 16, and 17, Hunter in view of Gur does not disclose a product placement mechanism, however, this is shown in Yamazaki which shows the products being held in a magazine (2) then transferred to the carrier by a suction head (4) and are spaced apart from the tape holding mechanism. The magazine (2) includes a cylinder (3) for pressing the articles (6) upward to be picked up by the suction head (4).

4. Claims 14, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Gur and Yamazaki as applied to claim 7 above, and

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further in view of Nakagawa et al. (US Patent Application Publication No. 2003/0000179 A1).

Regarding claim 14, Hunter in view of Gur and Yamazaki does not teach the additional step of inspecting the seal. Nakagawa, in discussing JP Laid-Open Patent Application 10-77002, suggests that inspection of the seal is known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to inspect the seal of the package in Hunter in view of Gur and Yamazaki, because one of ordinary skill in the art would appreciate that such a step prevents improperly sealed packages from being displayed and sold. (See Paragraphs [0004], [0005], [0008], & [0009].)

Regarding claim 15, photoelectric sensors used in Nakagawa are an imaging means as set forth in the claim and are used to control the mechanism.

Regarding claim 19, Nakagawa also discloses that weight detection means are known to be used in packaging systems.

Regarding claim 20, the purpose of a seal check would be to remove the improperly sealed package, one obvious way to remove the package would be to prevent it from being mounted onto the tape strip. Such a control feature would have been obvious to one having ordinary skill in the art.

Allowable Subject Matter

5. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance: There is no reason or suggestion for changing the orientation of the bag in Hunter, Gur, or Yamazaki, nor is there reason to do so.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Sue A. Purvis", with a long horizontal flourish extending to the right.

Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
March 27, 2006